



## Report to Planning & Zoning Commission

Clay County, Missouri

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<b>Case Number</b>	<b>October 16-131RZ/P</b>
<b>Case Type</b>	<b>Rezoning / Preliminary Plat</b>
<b>Project Name</b>	<b>Horse Hideaway</b>

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Applicant:	Amy Swanson, Triple H Team, Re-Max Innovations 3200 NE 83 <sup>rd</sup> Street Kansas City, MO 64119
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Owner:	Andrea Burgis 12608 NE 112 <sup>th</sup> Street Liberty, MO 64068
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Request	<b>Rezoning</b> from Agricultural (AG) to Residential Ranchette (R-5) District with a Shadow Plat (SP) Preservation Overlay District (POD) for ONLY Lot 1
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AND

**Preliminary Plat** approval of the Horse Hideaway

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Application Submittal	2016-09-06
Public Notice Published	2016-09-15
Neighbor Letters Sent	2016-09-16
Report Date	2016-09-27
Public Hearing Opened	2016-10-04

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REPORT AUTHOR(S)	Debbie Viviano, Planner Kipp Jones, Manager
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Recommendation	APPROVED with conditions
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## General Information

**Site Location:** approximately 12608 NE 112<sup>th</sup> Street  
Section 19 | Township 52 | Range 31

**Site Size:** 39± acres

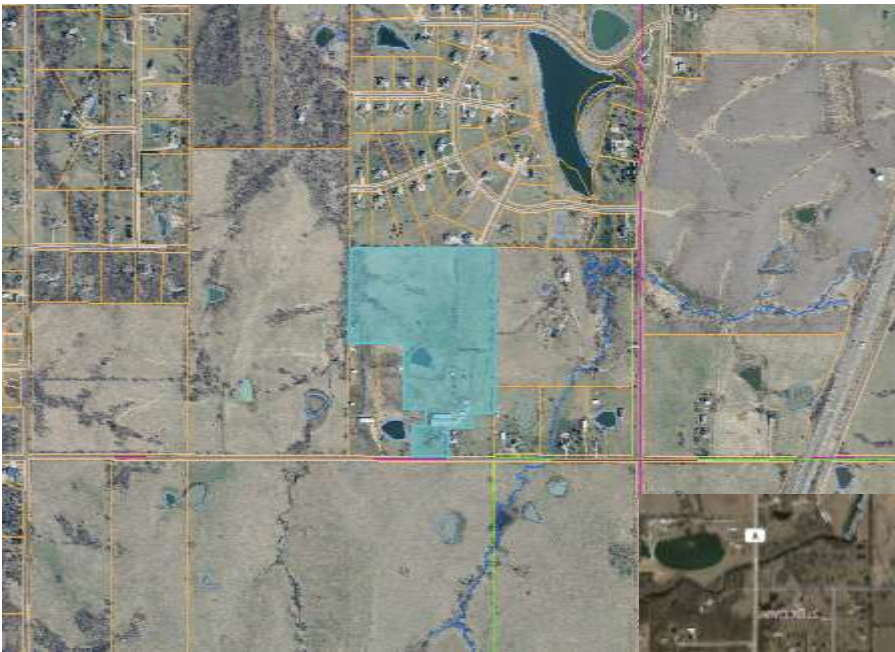
**Existing Landuse & Zoning:** Agricultural (AG)

**Zoning/Platting History:** None

### Surrounding Landuse & Zoning:

- North - Private Gardens (R-1B), Riverview Estates (R-1A), R-1 & AG zoned land
- East - R-1 & AG zoned land, I-35
- South - City of Liberty, AG zoned land
- West - Bringus Estates (RU & R-5), AG and R-1 zoned land, Whiteridge Estates (R-1), Legacy Park (R-1B/PUD), City of Kansas City

### Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Amy Swanson, Triple H Team, Re-Max Innovations, representing Andrea Burgis is requesting a **Rezoning** approval from Agricultural (AG) District to Residential Ranchette (R-5) District with a Shadow Plat (SP) Overlay District for ONLY proposed Lot 1 and **Preliminary Plat** (Lots 1 & 2) approval.

Ms. Burgis would like to split the property into two (2) lots in order sell Lot 1.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the landuse tiers and corresponding guidelines, and the second (2<sup>nd</sup>) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
<b>Intent</b>	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
<b>Primary Uses</b>	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
<b>Residential Uses</b>	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density: Rural Residential Density: low-density rural residential development: 1- dwelling unit per 20+ acres, or 1- farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4- units per acre.  20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
<b>Non-Residential Uses</b>	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
<b>Minimum Sanitary Sewer Provisions</b>	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. <sup>(3)</sup>
<b>Zoning Districts</b>	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots).  AG, Agricultural zoning is appropriate until full range of urban services available.

<sup>(3)</sup> On-site septic allowed for agricultural uses only.

\* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

\* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

\*\* A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Liberty is one-tenth of a mile to the southeast of the property, and they responded with "The City of Liberty does not have any comments regarding this application." in an email on September 13, 2016. The City of Kansas City is one mile to the west of the property, and they responded with "The City of KCMO Long Range Planning Division does not have any comments" in an email on September 15, 2016. The subject request complies with Option B of the 2008 Comprehensive Plan, as the applicant/owner is proposing a Shadow Plat (SP) Preservation Overlay District (POD) on a 10+ acre lot.

## Character of the General Neighborhood

The subdivisions of Private Gardens (R-1B) and Riverview Estates (R-1A), Residential Rural (R-1) and Agricultural (AG) zoned land are to the north. Residential Rural (R-1) and Agricultural (AG) zoned land, I-35 are to the east. The city limits of the City of Liberty are to the south and east; Agricultural (AG) zoned land also to the south. Adjoining to the west is Bringus Estates (RU & R-5); further west are the subdivisions of Whiteridge Estates (R-1) and Legacy Park (R-1B & PUD) and the City of Kansas City. [See Attachment B].

## LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on September 15, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent September 16, 2016.

The Board of Zoning Adjustment (BZA) approved the following two non-use variances on September 27, 2016:

1. A variance of 190.16' lot depth of Section 151-8.4A to allow a 1451' lot depth for proposed Lot 2.
2. A variance of 12.9' side setback of Section 151-6.3(1a) to allow a 37.1 side setback for an accessory structure that houses animals on proposed Lot 2.

The petitioner should fully address the five (5) rezoning criteria in the 2011 Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;



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2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

### **Outside Agency Review**

The Highway Department has reviewed the area and noted the driveway for Lot 1 will come off of N. Gallatin Street. N. Gallatin Street is an existing asphalt, curb and guttered street within Private Gardens subdivision. Should the Shadow Plat eventually move forward, N. Gallatin will be extended and the driveway for Lot 1 will be required to be placed within the 30' ingress/egress easement noted on the plat. North Gallatin will be required at that time to have a temporary cul-de-sac added to the terminus.

Central Rivers Wastewater Utility confirmed in a letter dated August 26, 2016 that current capacity is available within the existing sewer system to Private Gardens, and per conversation that service can be extended onto the adjacent property currently under contract.

Public Water Supply District #6 of Clay County currently has a water main that parallels NE 115<sup>th</sup> St. that is capable of supplying the proposed lot. However, a main extension will be required to get water to the property.

The property lies within the Kearney Fire District.

### **Findings**

Road Impact Fees (*RIF*) are required for the proposed one (1) additional lot. The estimated total amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.

### **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Ranchette (R-5) district with a Shadow Plat (SP) Preservation Overlay District (POD) for ONLY Lot 1 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Horse Hideaway be **Approved**, with the following condition as shown in Exhibit A:

#### **Exhibit A**

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
2. The shed located within the Stream Setback Zone 2 will need to be removed before recording of the Final Plat.



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3. The existing pond structure on proposed Lot 2 must be inspected by the Natural Resources Conservation Service (NRCS, formerly the U.S. Soil Conservation Service/Clay County Soil and Water Conservation District), and if not found to be in good condition proper repairs as determined by NRCS must be done prior to the recording of the Final Plat





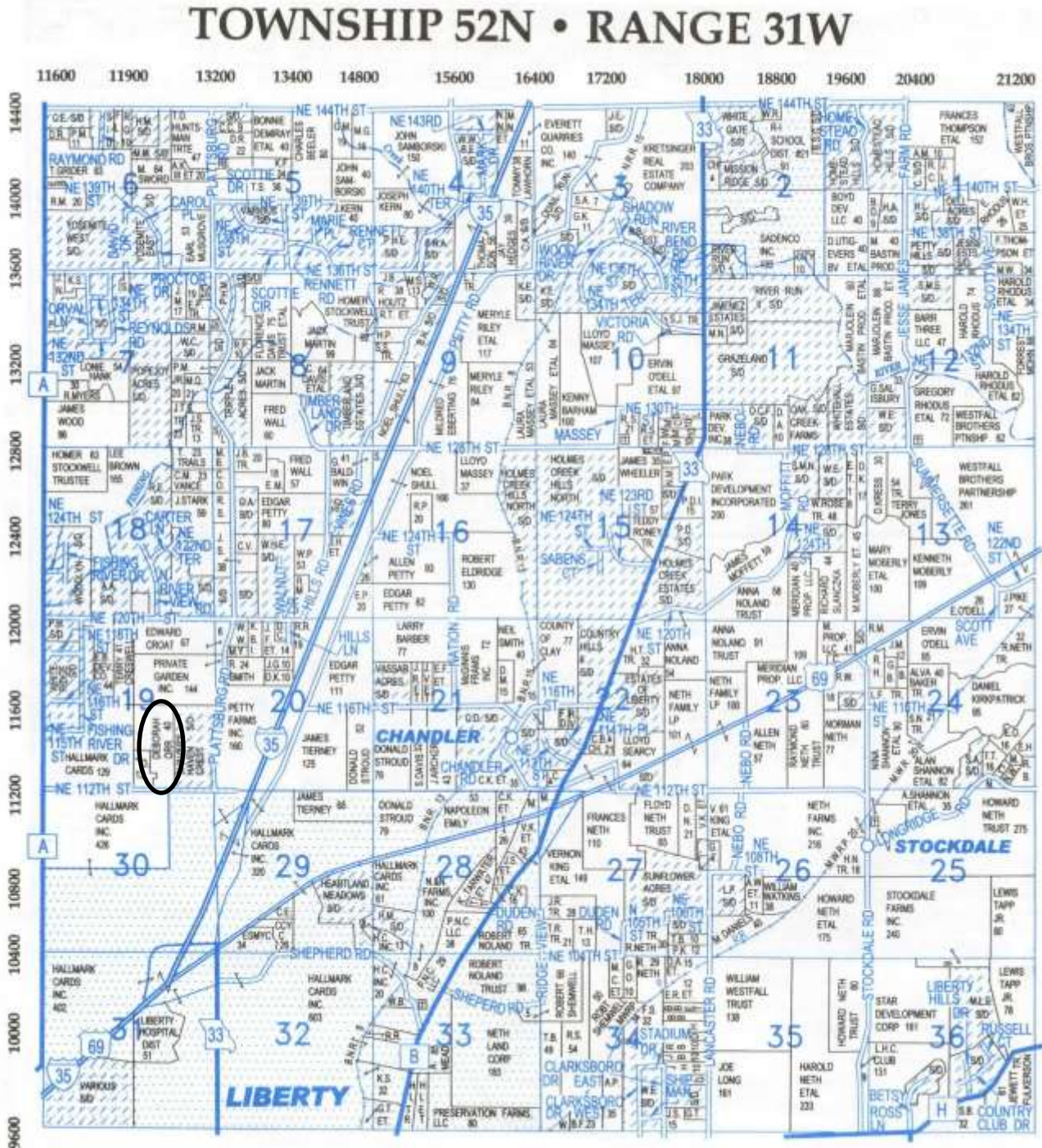
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## Attachments

### October 16-131RZ/P – Horse Hideaway

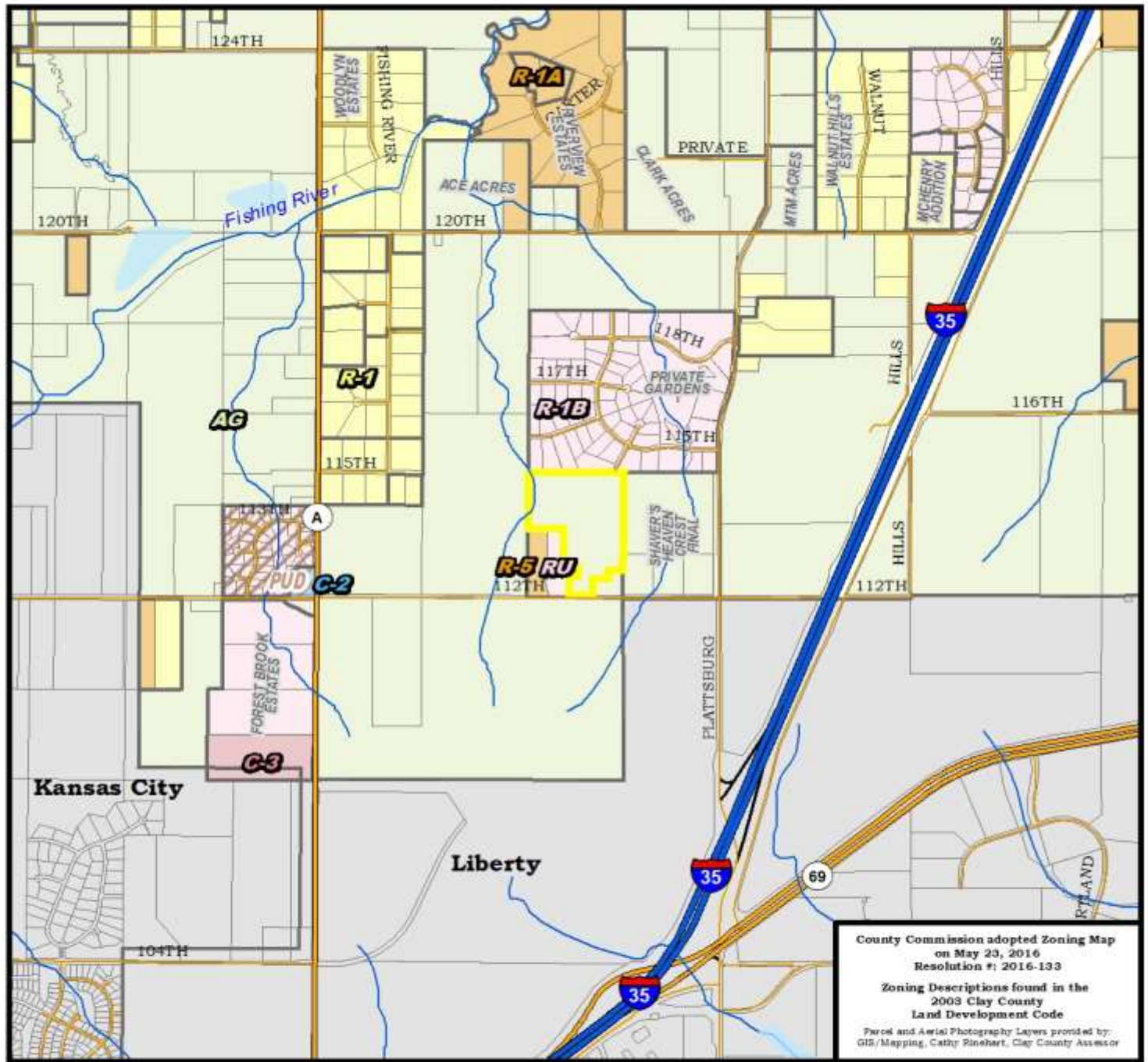
#### Attachment A – Vicinity Map





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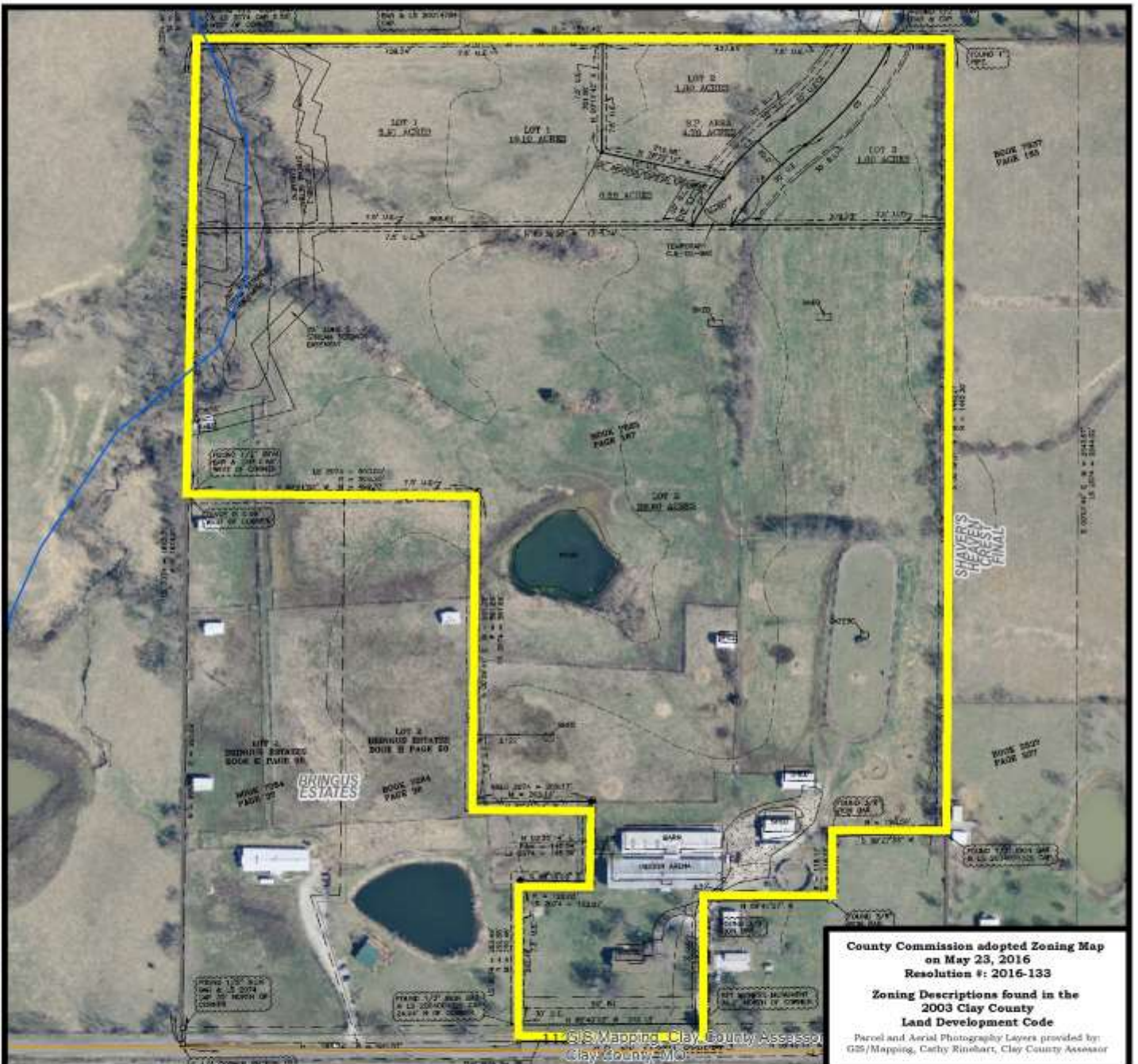
## Attachment B - Existing Conditions Map





# Oct 16-131PZ/P – Horse Hideaway

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacancy Map - 8 x 11 Print) 08/21/2016 -- 12:51:18 PM

